

Case No. A98-009 Civil (HRH)

Barbara Dieckgraeff

Page 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA AT ANCHORAGE

UNITED STATES OF AMERICA for the use of  
NORTH STAR TERMINAL & STEVEDORE COMPANY,  
d/b/a NORTHERN STEVEDORING & HANDLING,  
and NORTH STAR TERMINAL & STEVEDORE COMPANY,  
d/b/a Northern Stevedoring & Handling, on  
its own behalf,

Plaintiffs,

and

UNITED STATES OF AMERICA for the use of  
SHORESIDE PETROLEUM, INC., d/b/a Marathon  
Fuel Service, and SHORESIDE PETROLEUM, INC.,  
d/b/a Marathon Fuel Service, on its own  
behalf,

Intervening Plaintiffs,

and

METCO, INC.,

Intervening Plaintiff,

vs.

NUGGET CONSTRUCTION, INC.; SPENCER ROCK  
PRODUCTS, INC.; UNITED STATES FIDELITY  
AND GUARANTY COMPANY; and ROBERT A. LAPORE,  
Defendants.

Case No. A98-009 CIV (HRH)

DEPOSITION OF BARBARA DIECKGRAEFF  
Pages 1 - 46 (inclusive)

November 29, 2005  
9:05 a.m.

Taken by the Defendants  
at  
Oles Morrison Rinker & Baker LLP  
745 West Fourth Avenue, Suite 502  
Anchorage, Alaska 99501

Reported by: Caren S. Carlson  
Registered Professional Reporter

EXHIBIT 1  
Page 1 of 2

1 Q. But you were comfortable you would ultimately  
2 get paid because this was a bonded project?

3 A. Yes, we were. It was Nugget's barge and they  
4 were a federally-bonded job.

5 Q. And during this period of time until you last  
6 provided services on the 26th, you believed you had a  
7 contract with Spencer?

8 A. Yes.

9 Q. And you had no contract negotiations with  
10 Nugget?

11 A. No, we didn't contract with Nugget. We  
12 contracted with Spencer, but it was Nugget's barge and it  
13 was ultimately going to be their rock.

14 Q. Okay. Would it change your opinion about  
15 Nugget's obligation for this if, in fact -- would it  
16 change your opinion about Nugget's obligations to you if,  
17 in fact, Nugget had paid Mr. LaPore for the first two  
18 barge loads of rock?

19 A. That's why I asked Randy and he said, "No, had  
20 not been paid."

21 Q. Would it change your opinion if, in fact,  
22 Randy -- about Nugget's responsibility if, in fact, Randy  
23 was wrong and Nugget had paid for the first two barge  
24 loads of rock?

25 A. I don't understand that.

EXHIBIT 1  
Page 2 of 2